

**CITY OF TROUTDALE
STAFF REPORT**

TO: Planning Commission

STAFF REPORT DATE: Wednesday, October 12, 2016

STAFF: Steven A. Sparks, AICP

SUBJECT: **Comprehensive Development Code Update**

REQUEST: The City is proposing a comprehensive update to the Troutdale Development Code. All chapters of the Code, with the exceptions of Chapter 17, will be affected. The intent of the text amendment is to streamline and clarify Development Code regulations and processes.

APPLICANT: City of Troutdale Planning Department

APPLICABLE CRITERIA: Development Code Section 15.050.A.1-4 (Approval Criteria - Text Amendment)

HEARING DATE: Wednesday, October 19, 2016

RECOMMENDATION: Staff recommend the Planning Commission review the proposal, open the public hearing, and recommend approval of the proposed text amendment to the City Council.

1. Background

The Troutdale Planning Commission has conducted a series of work sessions over the past two years to discuss the provisions of the Troutdale Development Code. The goal of the work sessions were to identify potential amendments to the Development Code that would improve the processes by which development is considered, improve the clarity of the Development Code provisions, and update the Development Code to reflect current uses and community expectations. The Planning Commission concluded its work session reviews of the Development Code in September 2016. A broad summary of the proposed changes to the Development Code chapters are described below.

2. Proposed Text Amendments

The proposed Development Code text is attached in Exhibit A. The specific amendments are not identified by highlight or strikeout because of the extent of some of the amendments, the most which can be considered to be reformatting changes. The proposal is a comprehensive update to the Development Code; however, many portions

of the Code remain the same as the existing Code. The following text is a summary of the changes in each chapter.

Chapter 1 - Introductory Provisions

The existing Code contains definitions in various chapters throughout the Code. Chapter 1 has been modified to include definitions in one location and will make the administration and use of the Code much easier. An example of moving definitions to this chapter are the Historic Landmark Definitions that are currently located in Chapter 4 of the Code. With respect to amending existing definitions, the most significant alteration to existing Code language is making definitions on the range of housing types internally consistent throughout their use in the Code and to reflect current residential development nomenclature.

Chapter 2 - Procedures for Decision Making

The most significant change to Chapter 2 has been the merging of the text from Chapter 16 (Public Deliberations and Hearings) into Chapter 2. Both chapters address procedural requirements of the Development Code. It is easier to administer the provisions of the Code when all of the procedures are located within one chapter.

Specific amendments include abbreviating the length of Section 2.030 which addresses application submittal materials. The current Code contains an extensive list of application submittal requirements. Such a list is not appropriate for inclusion within the Code since that specificity would limit the applicant and the City to identify the materials that are needed to address the approval criteria of an application. For example, the Code may require a tree inventory when there are no trees on a project site. Rather than requiring an applicant to prepare materials that are not necessary for rendering a decision on an application, the proposed amendment would leave it to staff to identify those necessary materials for an application to demonstrate compliance with the Code and application approval criteria.

Another specific amendment is the size of noticing area for Type II and Type III applications. The current noticing standard is 300 feet from the parcel that is the subject of a development application. The proposed amendment is to increase the noticing area to 500 feet for Type III applications. Because Type III applications require a public hearing, it is believed that a broader noticing area would be appropriate for Type III applications.

Three other new sections in Chapter 2 are: Expiration of a Decision (§ 2.220), Extension of a Decision (§ 2.225), and Modification of a Decision (§ 2.230). These topics were occasionally referenced in text for certain applications. For the ease and consistency of administering the provisions of the Code and having consistently applicable standards for land use applications, these topics have been placed in one location.

Chapter 3 - Zoning Districts

The text in Chapter 3 is not proposed for extensive amendment. No new zoning districts have been proposed nor have zoning districts been proposed for removal. Amendments to this chapter are largely within the lists of uses. Use terminology has been made internally consistent and uses within the zoning districts have been simplified to be more inclusive of uses and flexible for uses that may become prevalent in the future.

Specific amendments include simplified distinctions between residential uses; detached, attached, and apartments. The current code specifies a range of residential types; single family detached, duplex, triplex, etc. The types of residential uses allowed in each residential zoning district will depend on the size of parcels on which residential uses will be located. For example, in the R-10 single family residential zone, an attached residential development may be allowed. However, the parcel on which a two-unit attached residential use may be located must be 20,000 square feet, or twice the minimum parcel size for the R-10 zoning district. In this way, the allowed density of a specific residential zoning district may be achieved through different residential development types. However, the maximum density of the zoning district cannot be exceeded. This provides more clarity and flexibility for future residential development.

In the Commercial zoning districts, the most substantive modification is removing the text that provides examples of retail or service uses. The definition of what is a retail or service use will depend on the characteristics of the specific use when proposed. Staff will utilize the North American Industry Classification System (NAICS) for better definition of an use if necessary.

Chapter 4 - Zoning District Overlays

The text in Chapter 4 is largely to remain as it currently exists; however, several sections of the Chapter are proposed for modification. Specifically, Section 4.200 (Historic Landmarks) contains extensive language concerning historic landmark definitions and procedures for designating, removing, or altering historic landmarks. As previously noted, the Historic Landmark Definitions are proposed to be relocated to the Definitions section of Chapter 1. The current Code also lists several applications for historic properties. To make the Development Code easier to administer and user friendly, the Development Code has been reorganized to create a new Chapter 6 (Applications). It is in this new Chapter 6 that readers of the Code will find the land use applications for the City and the criteria by which land use decisions will be made. The existing land use applications for historic properties; Historic Landmark Designation, Removal of a Historic Landmark Designation, Alterations to a Historic Landmark, and Demolition or Relocation of a Historic Landmark have been relocated to Chapter 6 (Applications).

Another section to be modified is the addition of an area to be exempted from the Vegetated Corridor and Slope District. This area specifically exempted is the developed area located south or west of Historic Columbia River Highway, east of 257th Avenue and north of SE Stark Street.

The existing Code contains Section 4.400 (Congregate Housing). This text is proposed to be deleted in its entirety. The use is specified as allowed or conditionally allowed in the City's zoning districts by Chapter 3.

The Planned Development section of the Code is also proposed for amendment. The current Code contains extensive text concerning procedures, application content, and an application. Much of this text is redundant with text in Chapter 2 (Procedures for Decision Making) and is proposed for deletion. Further, the Planned Unit Development application noted in the existing Code is proposed to be relocated to Chapter 6 (Applications).

Chapter 5 - Miscellaneous Uses, Standards, and Exceptions

Much of the proposed text amendments contained within this chapter has been to clarify regulations. For example, Section 5.100 (Home Occupations) is proposed to be simplified by creating consistent standards for home occupations. Furthermore, many existing regulations regarding home occupations for day care and residential care are inconsistent with State Statute. The proposed amendments will correct the existing inconsistencies.

Another example of proposed amendment is Section 5.300 (Nonconforming Uses). Like the Historic Landmarks section in Chapter 4, Section 5.300 contains procedures and applications for nonconforming uses and structures. The proposed amendment will relocate the nonconforming uses applications text to Chapter 6 (Applications)

Existing Code Section 5.600 (Erosion Control and Water Quality Standards), Section 5.800 (Stormwater Management), and Section 5.1100 (Public Improvements) are proposed for substantial amendment. These sections currently contain requirements that are not land use issues. These requirements are construction and maintenance requirements which are more appropriate for the City's Municipal Code, the Construction Standards for Public Works Facilities, the Stormwater Management Manual, and other construction and maintenance documents adopted by the City of Troutdale. Rather than risk creating internally inconsistent standards within differing documents, it is proposed that all standards currently found in the Development Code be deleted. The proposed Code would continue to identify the subject matters of erosion control, water quality, storm water management, and public improvements but refer the reader to the appropriate documents for requirements and regulations.

Chapter 6 - Applications

Chapter 6 in the current Code is for Annexations, Variances, and Conditional Uses. These are land use applications but there are additional land use applications located in other chapters of the existing Code. By having applications located throughout the Code, it becomes harder for users to understand and navigate through the Code. The proposed text relocates many of the existing land use applications found in the current code to Chapter 6. As previously identified, the applications that were located in the Historic Landmarks, Nonconforming Uses, Planned Unit Development sections have been relocated to this chapter. Also relocated to this chapter are: Comprehensive Plan Text

Amendment, Comprehensive Plan Map Amendment, Site Development Review, Text Amendment, Vacation, and Zoning Map Amendment.

Chapter 7 - Land Divisions and Lot Line Adjustments

The existing text of Chapter 7 contains applications, procedures and standards for land division activities. However, unlike other chapters of the Code, land division activities are typically found in standalone chapters of Development Codes in other jurisdictions. Since a guiding principle for the comprehensive Development Code update project is to make the City's Development Code more user friendly, staff does not propose to break up the existing chapter by relocating applications, procedures, and standards for land divisions. However, staff are proposing to reorganize the chapter to improve the flow of the text and improve clarity of requirements and standards.

Chapter 8 - Site Orientation and Design Standards

Chapter 8 is proposed for extensive amendment by removing the application and procedural text from the chapter. The Site Development Review application has been added to Chapter 6 (Applications) of the Development Code and Chapter 2 (Procedures and Decision Making) contain the procedural elements for processing and deciding on a site development application. Chapter 8 is proposed to contain just the site and design standards for applicable new development in the City. No new design standards have been proposed as a part of this text amendment.

Chapter 9 - Off Street Parking and Loading

Minimal amendments have been proposed to the Chapter 9 (Off Street Parking and Loading). Proposed amendments have been limited to items to ensure internal consistency with amendments to other chapters of the Development Code. No new or revised parking standards have been proposed.

Chapter 11 - Landscaping and Screening

Minimal amendments have been proposed to the Chapter 11 (Landscaping and Screening). Proposed amendments have been limited to items to ensure internal consistency with amendments to other chapters of the Development Code. No new or revised landscaping or screening standards have been proposed.

Chapter 12 / 13 /14 - Reserved

Chapter 15 - Amendments

This chapter of the existing code contains the provisions and decision making process for amendments to the Comprehensive Plan, Comprehensive Plan Maps, Development Code text, and the Zoning Map. The applications portion of the existing text has been

moved to Chapter 6 (Applications). The remaining text concerning noticing and the roles of the Planning Commission and City Council remain in Chapter 15.

Chapter 16 - Public Deliberations and Hearings

The text within Chapter 16 addresses procedural issues for processing and considering land use topics. Therefore, it has been proposed that Chapter 16 text be merged with Chapter 2 (Procedures for Decision Making) to eliminate redundancy and potential for internally inconsistent provisions. The proposed text in Chapter 2 reflects the combining of Chapter 2 and Chapter 16 of the existing Development Code.

Chapter 17 - General Provisions

No amendments have been proposed for this chapter.

3. Facts and Findings

Section 15.050.A of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, that all of the criteria specified in Section 15.050.A.1-4 are satisfied. The following are the findings of fact for the proposed comprehensive update of the City of Troutdale Development Code:

Development Code Approval Criteria - Text Amendment

1. For Comprehensive Land Use Plan text amendments, compliance with the Statewide Land Use Goals and related administrative rules.

The proposed amendment is not to the Comprehensive Plan Land Use Element. The proposed amendment is to the implementing document of the Comprehensive Plan, the City's Development Code. Therefore, this criterion is not applicable.

2. Public need is best satisfied by this particular change.

The public need for the Development Code is that the Code implements Comprehensive Land Use Plan policy. Public need is also embodied by the City's objectives to provide a community that promotes the health, safety, and welfare of the community. The Development Code fulfills this objective by providing a regulatory framework for considering and allowing development in the community. The proposed amendment is a comprehensive update to the Development Code which is intended to remove redundancies, improve internal consistency, clarify regulations, enhance community awareness of development, remove unnecessary barriers to development, and make the Code easier for the community to use and understand. While the Development Code is needed to regulate development in the community, the proposed amendments will continue to address community need by improving the usability of the Code. Therefore, staff recommend this criterion is satisfied.

3. *The change will not adversely affect the health, safety, and welfare of the community.*

The proposed amendments do not contain any provisions which will remove existing regulations concerning the health, safety, or welfare of the community. Existing regulations concerning issues of safety such as building setbacks, fire protection, traffic control, pedestrian design, flooding, steep slopes, etc. are not proposed for deletion or modification. The community will continue to have regulations and standards to enhance the communities health, safety, and welfare. Therefore, staff recommend this criterion is satisfied.

4. *In the case of Development Code amendments, the particular change does not conflict with applicable Comprehensive Land Use Plan goals or policies.*

The following policies of the Comprehensive Land Use Plan have been identified by staff as applicable to the proposed text amendment.

Goal 1 - Citizen Involvement

Policy 2. Keep the public informed of land development proposals occurring in their neighborhoods

Noticing requirements for development are proposed to be increased for Type III land use applications from 300 feet to 500 feet from the property subject to the development proposal. This proposed change within the body of the larger text amendment will enhance the public's knowledge of development proposals in the community.

Goal 2 - Land Use

Policy 7. Prepare development standards which recognize and respect the character of established areas. Maximize flexibility in development shall be encouraged in undeveloped areas.

Policy 8. Continue to cooperate with federal, state, regional, and county agencies, special districts, utility companies, and adjoining cities in planning delivery of services in such areas as transportation, solid waste, air quality control, sewer, water, stormwater, education, energy, and emergency services.

The proposed amendments do not alter existing development standards for development. Neighborhood compatibility with respect to building setbacks, building heights, and uses will continue to be respected. The proposed text amendment will provide more flexibility by creating opportunities to propose different development types on undeveloped land subject to appropriate land use application review.

The Development Code contains regulations and standards which require the cooperation and consistency with other agencies and their regulations. The proposed amendments will not alter the City of Troutdale's commitment to cooperation with regulatory and service partners in the community.

Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources

Policy 16. Maintain effective historic landmark designation standards and procedures within the Historic Landmark Protection Overlay district that are consistent with state law and National Register of Historic Places evaluation criteria.

Chapter 4 (Zoning District Overlays) is proposed to be amended by relocating the existing land use applications for the City's historic landmarks from Chapter 4 to Chapter 6 (Applications). The proposed amendment does not change the list of Troutdale historic landmarks nor the standards for historic landmarks. The proposed amendments will continue to be consistent with state law and National Register of Historic Places evaluation criteria.

Goal 7 - Areas Subject to Natural Disasters and Hazards

Policy 3. Restrict development within flood hazard areas to those uses which can be adequately floodproofed.

The existing Code contains extensive regulations concerning flood hazard areas. The proposed amendments do not propose to modify existing flood hazard regulations or standards.

Goal 9 - Economic Development

Central Business District Policies

Policy 9. Encourage private business activity that results in high-paying jobs. Desirable employment uses with the potential for higher wage jobs include, but are not limited to, business and professional services, manufacturing, construction and research and development firms.

The proposed amendments to the Central Business District will implement this policy by being clear that employment uses are allowed in the zoning district. The proposed amendments specify that office and service uses are allowed in the zoning district. If a specific proposed use needs to be defined, the North American Industry Classification System (NAICS) will be used to assist in determining consistency with the use classification of the zoning district.

Town Center Policies

Policy 5. Provide office employment opportunities in the town center area.

Policy 6. Allow a mixture of office and housing uses.

The proposed amendments clarify the office and housing uses are allowed within the Town Center zoning district.

Goal 10 - Housing

1. General -

b. Residential areas shall offer a wide variety of housing types in locations best suited to each type and shall be developed in a way which will not create environmental degradation.

The proposed code specifies that a variety of housing types within the residential zoning districts is allowed, subject to the density requirements of the zoning district.

4. Ordinances and Standards -

a. Recognize that the Development Code should set the minimum standards and not go beyond issues which are essential for the public health, safety, and welfare.

c. Periodically review standards to determine whether they are vague, discretionary, or subjective and take necessary action to make these standards clear and objective.

The proposed amendments are a periodic review of the Development Code regulations and standards consistent with these policies.

6. Alternative Housing Types -

c. Recognize the need for housing for senior citizens and other residents in the city with special needs, such as physical or other disabilities. Allow senior center and special needs complexes, or other developments that serve primarily senior citizens and those with special needs.

d. Recognize single-family attached homes as a legitimate and desirable alternative to single-family detached homes and allow them in areas designated for high and medium density residential development.

e. Recognize the use of “zero lot line” siting as a method of increasing the usable outdoor area of a detached single-family lot.

f. Recognize multiple-family dwellings as a legitimate and needed housing type in Troutdale and allow multiple-family developments in areas designated for such in the Comprehensive Plan.

g. Allow a mix of housing types as part of a Planned Development as an attractive and desirable alternative to providing just a single type of housing in a subdivision.

h. Allow a mix of multiple-family dwellings and professional offices, or limited commercial, in the high density residential areas and town center planning area outlined in the Comprehensive Plan.

i. Allow manufactured homes parks as an affordable alternative housing type in areas designated medium density residential.

The proposed amendments will modify the list of housing types in the residential zoning districts consistent with these Housing policies. A range of housing types will be allowed based on the density allowed by the specific zoning district. Zero lot line, attached, multi-family, and special needs housing area allowed in the proposed amendments subject to zoning density standards and use requirements. Planned Unit Developments is a land use application that will provide an opportunity for a mix of housing types to be developed on a single development site.

Staff recommends that the proposed amendments will be consistent with the applicable Comprehensive Land Use Plan policies as noted above. Therefore, staff recommend that the proposed amendments satisfy this criterion.

Based on the facts and findings presented, staff conclude that the proposed amendments to the Development Code are consistent with all the text amendment approval criteria of Section 15.050.A.1-4.

4. Staff Recommendation(s)

Staff offer the following recommendations for the conduct of the October 19, 2016 public hearing for the proposed comprehensive update of the City's Development Code:

- A. Conduct a public hearing and receive all public testimony relating to the proposal.
- B. Consider the public testimony and the facts and findings presented in the staff report and deliberate on policy issues and other issues identified by the Commission or the public.
- C. Recommend approval of the proposed text amendment to the City Council for its consideration on the next available Council agenda.

5. Exhibits

Exhibit A Proposed Development Code text.